

# *Legislative Performance Audit*

## *Committee*

### **Committee Members:**

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*Senator Dan Watermeier, Vice Chair*  
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*Senator Annette Dubas*  
*Senator Bob Krist*  
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*Senator John Wightman*

Legislative Audit Office  
P.O. Box 94604, State Capitol  
Lincoln, NE 68509  
402-471-1282

### **Audit Staff:**

*Martha Carter, Legislative Auditor*  
*Diane Johnson, Executive Assistant*  
*Franceska Cassell, Analyst*  
*Kathryn Gudmunson, Analyst*  
*Clarence Mabin, Analyst*  
*Dana McNeil, Analyst*  
*Stephanie Meese, Legal Counsel*

## **Scope Statement**

### **Nebraska Department of Correctional Services: Disciplinary Process, Segregation, Parole-Readiness, and Commitment Acts**

## **Background**

On January 22, 2014, the Legislative Performance Audit Committee (Committee) directed the Legislative Audit Office to conduct a preaudit inquiry into several broad areas relating to the Department of Correctional Services (DCS). The purpose of the preaudit was to identify potential performance audit questions that would address concerns raised by the Committee without duplicating other Legislative activities.

During the 2014 legislative session, the Legislature adopted significant corrections' reform legislation; passed LR 424 creating the Department of Correctional Services Special Investigative Committee to investigate aspects of DCS, including the high-profile case of Nikko Jenkins; and joined with the Executive and Judicial branches to request a study by the Council of State Governments Justice Project (CSG). To ensure that the audit work would complement, not duplicate, the other work being done in this area, the Performance Audit Committee leadership and audit staff worked with leadership and staff of the LR 424 Committee, and audit staff also communicated frequently with CSG staff, as the questions in this scope statement were developed.

## **Audit Scope**

In this audit, the Legislative Audit Office will analyze:

### **1. The DCS Disciplinary Process and Use of Segregation**

The Office will describe the legal requirements governing the disciplinary process, especially as they relate to the punishments of disciplinary segregation and loss of good time. The Office will analyze data on loss of good time and disciplinary segregation as punishments, and segregation as a classification, identifying inmates with mental illness/behavioral health diagnoses. To the extent possible, the Office will draw conclusions about whether DCS is following the legal requirements.

## 2. Parole-readiness and Civil Commitment Acts

The Audit Office will assess whether a need for programming prevented inmates from being paroled or added conditions requiring programming to be added to their conditions of parole.

The Office will compare the commitment processes under the Mental Health Commitment Act and the Sex Offender Commitment Act and identify possible policy questions. The Office will also describe the process used by DCS to refer inmates for commitment under these acts and analyze cases of inmates recently reviewed by DCS for commitment.

### **Additional Research**

At the request of the LR 424 Special Investigative Committee, and as approved by the Performance Audit Committee, the Office will also gather the following information and provide it to the LR 424 Committee as soon as possible (separate from the audit report):

- Programs available for inmates at each institution, and
- Use of programming for substance abuse, violent offenders and sex offenders since 2009.

*Adopted by the Legislative Performance Audit Committee July 7, 2014.*